

IN RE: PETITION FOR ADMIN. VARIANCE  
 W/S Engleberth Road, 170' S of  
 Cross Road  
 (1231 Engleberth Road)  
 15th Election District  
 5th Councilmanic District  
 James G. Miller, et ux  
 Petitioners

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 94-99-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, James G. and Pamela J. Miller. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17 feet in lieu of the required 50 feet for a proposed breezeway and garage addition, in accordance with Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas on Browns Cove and, as such, is subject to compliance with Critical Areas legislation. Pursuant to Section 500.14 of the B.C.Z.R., the Director of

the Department of Environmental Protection and Resource Management has submitted comments indicating that the proposed improvements are in compliance with current Chesapeake Bay Critical Areas local regulations and policies and should therefore be granted.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R. Furthermore, the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October, 1993 that the Petition for Administrative Variance requesting relief from Section 1A04.3.B.3 of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17 feet in lieu of the required 50 feet for a proposed breezeway and garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
 Date 10/13/93  
 By [Signature]

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

**94-99-A**  
 ZONING DESCRIPTION FOR 1231 ENGLEBERTH ROAD  
 Election District 15 Councilmanic District 5

Beginning at a point on the WEST side of ENGLEBERTH (north, south, east or west) West Loop (street on which property fronts) which is 20' (number of feet of right-of-way width) wide at a distance of 170' SOUTH of the (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street CROSS RD (name of street) which is 20' (number of feet of right-of-way width) wide. \*Being lot 61-62.  
 Block AAB in the subdivision of EAGLES NEST POINT (name of subdivision)  
 Book 8, Folio 70, containing 50± ac. (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown. Instead state: "As recorded in Deed Folio 70, Block AAB, and include the measurements and directions (meters and bounds only) here and on the plat in the correct location."

Example of meters and bounds: N.07 12' 11" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
 That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 1231 ENGLEBERTH RD BALTIMORE MD 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include reasons or previous affidavits)  
 CABLE, PHONE, POWER LINES IN BACKYARD

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*James G. Miller*  
 JAMES G. MILLER  
*Pamela J. Miller*  
 PAMELA J. MILLER

I HEREBY CERTIFY, this 14th day of September, 1993, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal, September 1, 1993

*[Signature]*  
 My Commission Expires: April 23, 1995

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1231 ENGLEBERTH RD BALTIMORE MD 21221 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 TO ALLOW A SIDEYARD SETBACK OF 17' FOR A PROPOSED BREEZEWAY and garage in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
 CABLE, PHONE, POWER LINES IN BACK YARD

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)  
 Name of Petitioner: JAMES G. MILLER  
 Name of Petitioner: Pamela J. Miller  
 Name of Petitioner: Pamela J. Miller

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address for Petitioner: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

Address: 1231 ENGLEBERTH RD BALTIMORE MD 21221  
 City: BALTIMORE State: MD Zip Code: 21221

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15th Date of Posting: 9/1/93  
 Posted for: Variance  
 Petitioner: James G. Miller, Pamela J. Miller  
 Location of property: 1231 Engleberth Rd, W/S of Cross Rd  
 Location of Sign: Backyard, on property of Petitioner  
 Remarks:  
 Posted by: [Signature] Date of return: 9/1/93  
 Number of Signs: 1

receipt  
 Baltimore County Zoning Administration & Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21286

Account: 8-001-6188  
 Number: 105  
 Date: 9/2/93  
 CODE 010 / RES. VAR. FILING FEE \$ 50.00  
 CODE 080 / SIGN POSTING FEE 35.00  
 TOTAL 85.00

OWNER: JAMES MILLER  
 206 1231 ENGLEBERTH RD.  
 03A0280220HICHC  
 PL 009711A009-02-93

ORDER RECEIVED FOR FILING  
 Date 10/13/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 10/13/93  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 9/19/93  
 By [Signature]

RECEIVED BY: [Signature] DATE: 9/2/93  
 PRINTED WITH RESERVES BY: [Signature] ITEM # 105

September 23, 1993

Mr. and Mrs. James G. Miller  
1231 Engleberth Road  
Baltimore, Maryland 21221

RE: Case No. 94-99-A, Item No. 105  
Petitioner: James G. Miller, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Miller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

9/14/93

Re: Baltimore County  
Item No.: #105(322)

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teleprinter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-2082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21202-0717

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: September 15, 1993

SUBJECT: 1231 Engleberth Road

INFORMATION:

Item Number: 105

Petitioner: Miller Property

Property Size: \_\_\_\_\_

Zoning: R.C. 5

Requested Action: \_\_\_\_\_

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment.

The proposed breezeway and garage should be architecturally compatible with the existing structure and should not detract from the character of the neighborhood. Therefore, this office requests that elevation drawings be submitted to the deputy director of the Office of Planning prior to the filing of any building permits.

Prepared by: *Jeffrey W. Lewis*  
Division Chief: *Caryl Lewis*  
PK/JL:lw

October 5, 1993

Mr. and Mrs. James G. Miller  
1231 Engleberth Road  
Baltimore, Maryland 21221

RE: Case No. 94-99-A, Item No. 105  
1231 Engleberth Road

Dear Mr. and Mrs. Miller:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on October 4, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-1191.

Very truly yours,

*Charlotta Minton*  
Charlotte Minton

Enclosure

September 27, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #105 - Miller Property (James)  
1231 Engleberth Road  
Zoning Advisory Committee Meeting of September 13, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of this property must comply with Chesapeake Bay Critical Area Regulations. The location of the addition, as proposed, extends no closer to tidal waters than the existing dwelling, and is in compliance with current Chesapeake Bay Critical Area local regulations and policies.

JLP:sp  
MILLER/DEPRM/TXTSBP

September 13, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: James G. Miller and Pamela J. Miller  
1231 Engleberth Road  
Baltimore, Maryland 21221

RE: CASE NUMBER: 94-99-A (Item 105)  
1231 Engleberth Road  
W/S Engleberth Road, 170' S of Cross Road  
15th Election District - 5th Councilmanic

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact me with this office regarding the status of this case. Do not reference the case number and be directed to 887-3353. This notice also serves as a reference regarding the administrative process.

- 1) Your property will be posted on or before September 19, 1993. The closing date (October 4, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Arnold Jablon*  
Arnold Jablon  
Director

Provisional Approval  
Permit No: 8174274 DATE: 9/2/93

LOCATION: 1231 ENGLEBERTH RD

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

- Owner has filed for a public hearing, Item # 105, 94-99-A.
- Owner must have a zoning special hearing to determine the legitimate non-conforming status of the property prior to filing any other future permits for zoning approval.
- Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed *James Miller* Owner  
Signed \_\_\_\_\_ Contract Purchaser  
(Please print clearly) (Please print clearly)

Name JAMES MILLER Name \_\_\_\_\_  
Address 1231 ENGLEBERTH RD Address \_\_\_\_\_  
City BALTIMORE, MD 21221 City \_\_\_\_\_  
Work Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Home Phone 814-333-7127 Home Phone \_\_\_\_\_

**Plot to accompany Petition for Zoning Variance Special Hearing**

PROPERTY ADDRESS: 1231 ENGLEBERTH RD see pages 2 & 3 of the CHECKLIST for additional required information

Subdivision name: EAGLES NECK POINT  
plot books 8, folios 70, lots 111 sections 1

OWNER: JAMES & PAMELA MILLER

**94-99-A**

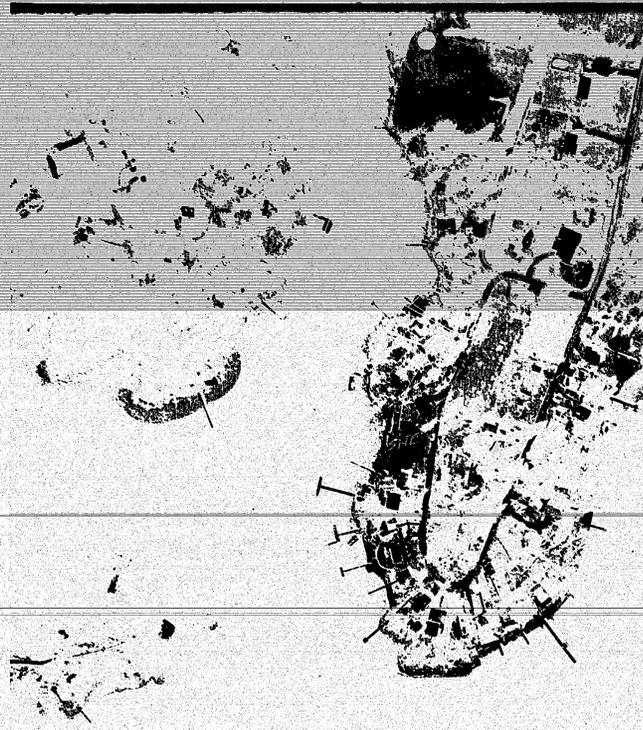
**LOCATION INFORMATION**

Councilmanic District: 5  
Election District: 15  
1"=200' scale map: SE 2/4  
Zoning: RC-5  
Lot size: 45.65 sq. ft. 23 sq. ft. storage

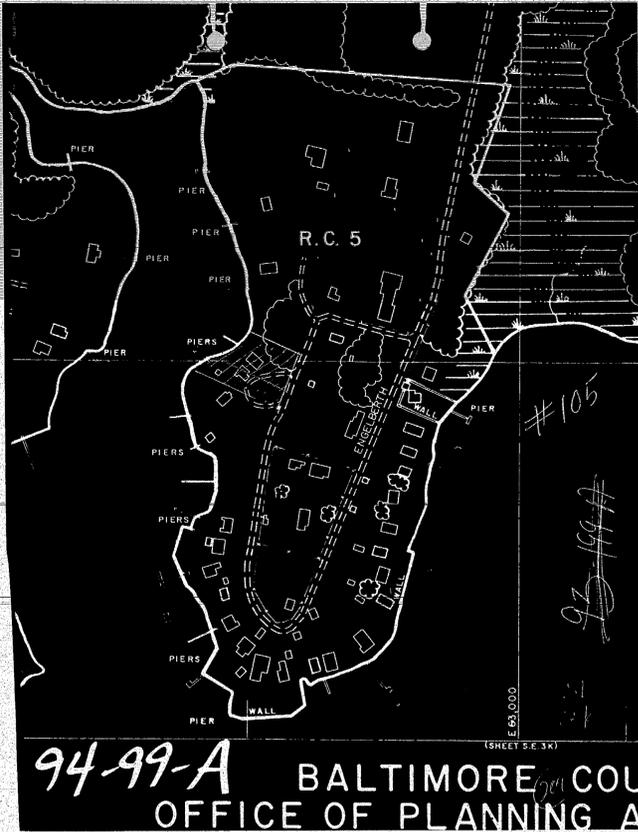
SEWER:   
WATER:   
Chesapeake Bay Critical Area:   
Prior Zoning Hearing:   
Case No: 93-199-A

**Zoning Office USE ONLY**

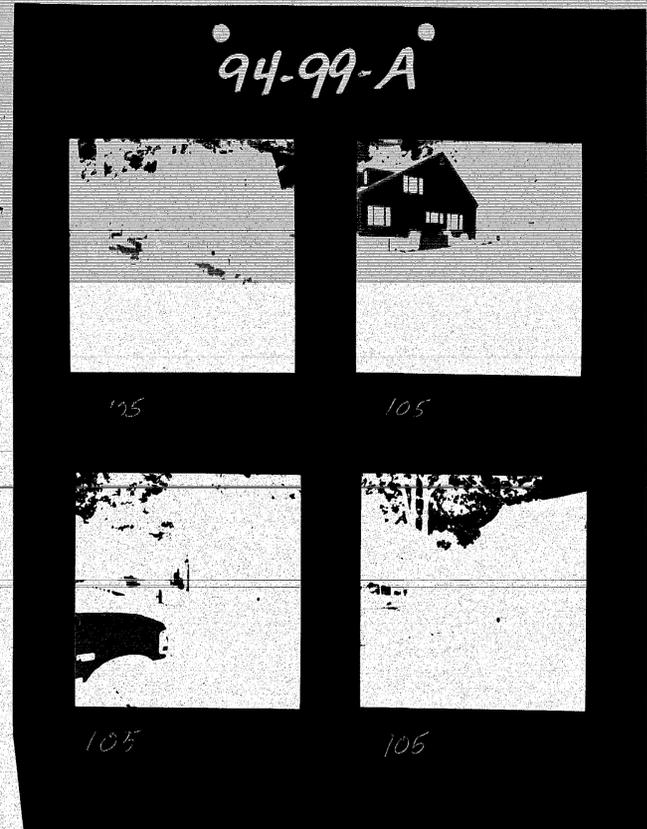
reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_  
date: \_\_\_\_\_ prepared by: \_\_\_\_\_ Scale of Drawing: 1"=50'



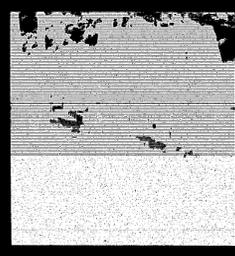
SE 2K #105 BALTIMORE  
94-99-A OFFICE OF PLANNING AND ZONING



94-99-A BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING



94-99-A



105



105



105



105